

Notice of Allowability

Application No.

09/762,519

Examiner

Jeffrey T. Barton

Applicant(s)

TOMIOKA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 17 May 2005.
2. ☒ The allowed claim(s) is/are 10, 15 and 18.
3. ☒ The drawings filed on 07 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 20050422
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050722.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aaron Ettelman on 21 July 2005.

The application has been amended as follows:

In the specification:

Before the first paragraph, please insert the following paragraph:

--This application is a national stage entry of International Patent Application No. PCT/JP00/03789, filed on June 12, 2000, and which claims priority to Japanese Patent Applications 11-163518, filed June 10, 1999; 11-193255, filed July 7, 1999; 11-204148, filed July 19, 1999; 11-261097, filed September 14, 1999; and 2000-150960, filed May 23, 2000.--

In the claims:

- a. In claim 15 at line 7, please delete the word "contact" and insert the phrase --is at least partially immersed in-- after the words "therebetween, each".
- b. In claim 15 at line 7, please delete the word "comprise" and insert the word --comprises-- after the words "and each".

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- c. In claim 15 at line 10, please delete the word "the" and insert the word --a-- after the word "generate".
- d. In claim 15 at line 17, please delete the words "at least one" after the words "of the".
- e. In claim 15 at line 21, please delete the word "one" and insert the word --another-- after the words "structure, and".
- f. In claim 15 at line 23, please delete the word "one" after the words "electrodes, the".
- g. In claim 15 at line 24, please delete the word "lower" and insert the word --lowest-- after the words "have the".
- h. In claim 15 at line 24, please delete the phrase "at least two" after the words "of the".
- i. In claim 15 at line 25, please delete the phrase "not having the higher oxidation/reduction potential" after the word "electrodes".
- j. In claim 18 at line 6, please delete the word "contact" and insert the phrase --are at least partially immersed in-- after the word "electrodes".
- k. In claim 18 at line 6, please delete the word "have" and insert the word --has-- after the word "each".
- l. In claim 18 at line 8, please delete the word "the" and insert the word --a-- after the word "generating".
- m. In claim 18 at line 15, please delete the phrase "at least one" after the phrase "direction of the".

2. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is the inclusion of the limitation that the two electrodes are "at least partially immersed in the liquid". Muroki does not teach and cannot be modified to meet this limitation, as the operability of his transdermal system would be destroyed if both electrodes (2 and 4) were immersed in the liquid that is a part of gel 3. Muroki's device must rely on skin to complete a circuit by providing electrical contact between electrode 4 and gel 3. The other prior art of record neither teaches nor fairly suggests a device meeting the claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jeffrey T. Barton whose telephone number is (571) 272-1307. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTB
22 July 2005



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